would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

Claims 86-87, 96-108, 112, 113, 115, 117, 118, 122 and 123 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that "with respect to claims 86-87 and 96-108, the terms 'layer-type', 'perovskite-like' are unclear because the 'type' or 'like' terms are deemed to be indefinite. Terms such as 'like', 'similar' and 'type' are indefinite." Applicants respectfully disagree.

Attachment A is the result of a Lexis search done by the undersigned attorney. This search shows the term "rare earth like" or "rare earth and the like" used in 68 US patents. The section of the 68 patents where these terms appear are printed using the "KWICK" function of Lexis. Attachment B is the result of a Lexis search done by the undersigned attorney. This search shows the term "rare earth like" used in the claims of 4 issued US patents. The sections of the claims of the 4 patents where this term appears in the claims are printed using the "KWICK" function of Lexis. Consequently, the term "rare earth like" is a term used in the art, understood by a person of skill in the art and recognized as a definite term by the USPTO for use in US patent claims.

The term "perovskite-like" or "perovskite-type" is commonly used in the art. Attachment C is the result of a Lexis search done by the undersigned attorney. This search shows that the terms "perovskite like" and "supercond!" (the "!" represents any combination of letters) are used in 107 US patents. The sections of the 107 patents where these terms appear are printed using the "KWICK" function of Lexis. Attachment D is the result of a Lexis search done by the

undersigned attorney. This search shows the terms "perovskite like" or "perovskite type" used in the claims of two issued US patents. The sections of the claims of the 2 patents where this term appears in the claims are printed using the "KWICK" function of Lexis. Attachment E is a copy of the first page of Chapter 2 of the book "Perovskites and High T_c Superconductors" by F. S. Galasso, Gordon and Breach Scientific Publishers, 1990. Chapter 2 is entitled "Structure of Perovskite-type Compounds". Attachment F is a copy of page 78 of the book by C. Poole, Jr. et al.. Page 78 is the beginning of the section entitled "D. Perovskite-type Superconducting Structures". The first paragraph of the section states "[i]n their first report on high-temperature superconductors Bednorz and Muller [(the applicants)] referred to their samples as 'metallic, oxygen deficient...perovskite like mixed valent copper compounds.' Subsequent work has confirmed that the new superconductors do indeed have these characteristics. In this section we will comment on their perovskite-like aspects" (added). Attachment G is a copy of pages 72 to 86 from Poole et al. In Chapter VI on "Crystallographic Structures" Poole et al. states at page 73 "[m]uch has been said about the oxide superconductor compounds being ***perovskite types***, so we will begin with a description of the perovskite structure." (emphasis added) Poole further states at page 74 in Section 4 entitled "Tetragonal Form" that "[a]t room temperature barium titanate is tetragonal ... which is close to cubic." Poole further states at page 74 in Section 3 entitled "Orthorhombic Form" that "[w]hen barium titanate is cooled below 5° C it undergoes a transition with a further lowering of the symmetry to the orthorhombic space group." Consequently, the terms "perovskite like" or "perovskite type" are terms used in the art and recognized as a definite by the USPTO for use in US patent claims. (It is noted that this passage also shows that the terminology "mixed valent copper compounds" is used and understood in the art.

In view of the changes to the claims and the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

Please charge any fee necessary to enter this paper to deposit account 09-0468.

If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final rejection of the claims in the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

> Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Respectfully submitted,

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